



Department of Defense
INSTRUCTION
AD-A271 955



January 19, 1993
NUMBER 5030.59

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ASD(C3I)

SUBJECT: Defense Mapping Agency (DMA) Mapping, Charting, and Geodesy (MC&G) Data; Public Availability and Exceptions

- References:
- (a) Sections 2794 and 2796 of title 10, United States Code
 - (b) DoD Directive 5105.40, "Defense Mapping Agency," December 6, 1990
 - (c) DoD 5025.1-M, "DoD Directives System Procedures," December 1990, authorized by DoD Directive 5025.1, December 23, 1988
 - (d) Executive Order 12356, "National Security Information," April 2, 1982, as amended
 - (e) through (o), see enclosure 1

A. PURPOSE

This Instruction:

1. Establishes policy, assigns responsibilities, and prescribes procedures, in accordance with Section 2796 of reference (a), and reference (b) for the sale and withholding of otherwise unclassified DMA MC&G data in the possession of, or under the control of, the Department of Defense.

2. Authorizes the publication of DoD 5030.59-M, "Use and Release of Defense Mapping Agency (DMA) Mapping, Charting, and Geodesy (MC&G) Data," consistent with reference (c).

B. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense, the Military Departments (including their National Guard and Reserve components), the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Unified and Specified Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

C. DEFINITIONS

Terms used in this Instruction are defined in enclosure 2.

D. POLICY

It is DoD policy that:

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1. The DMA shall offer for sale to the public maps and charts and other MC&G data at scales of 1:500,000 and smaller. Exceptions are maps and charts and other MC&G data withheld, in accordance with subsection D.2., below, or those specifically authorized, under criteria established by E.O. 12356 (reference (d)), to be classified in the interest of national defense or foreign policy and are, in fact, properly classified under reference (d). Sales may be made by the DMA directly or through its authorized agents.

2. Notwithstanding any other provision of law, the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD(C3I)), in accordance with reference (e), may withhold from public disclosure any MC&G data in the possession of, or under the control of, the Department of Defense that:

a. Was obtained or produced, or that contains information that was provided, under an international agreement that restricts disclosure of such product or information to government officials of the agreeing parties or that restricts use of such product or information to government purposes only;

b. Contains information that the ASD(C3I) has determined in writing would, if disclosed, reveal sources and methods used to obtain source material for production of the MC&G data; or

c. Contains information that the Director, DMF, has determined in writing would, if disclosed, reveal military operational or contingency plans.

3. DMA MC&G data, withheld from the public under subsection D.2., above, may, nevertheless, be released to U.S. allies and to qualified U.S. contractors, who need such products for use in the performance of contracts with the United States, under the following conditions:

a. For MC&G data received from foreign governments under an international agreement only in accordance with the terms of the international agreement.

b. For MC&G data described in paragraph D.2.b., above, in accordance with applicable treaties, international agreements, and references (f) through (m).

4. Prices for the sale of DMA MC&G data shall be determined in accordance with Section 2794 of 10 U.S.C. and DoD 7220.9-M (references (a) and (n)).

E. RESPONSIBILITIES

1. The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence shall:

a. Implement the DoD responsibilities in Section 2796 of 10 U.S.C. (reference (a)).

b. Make the determinations required in paragraph D.2.b., above. The responsibility shall not be redelegated.

c. Promulgate a DoD Manual, in accordance with DoD 5025.1-M (reference (c)), for the use and release of MC&G data in the possession, or under the control of the Department of Defense.

2. The Chairman of the Joint Chiefs of Staff shall:

a. Make the determinations required in paragraph D.2.c., above, as requested by the Director, DMA.

b. Establish policies and procedures to implement this program.

3. The Director, Defense Mapping Agency, shall:

a. Establish regulations for the public sale of DoD MC&G data, in accordance with Section 2794 of reference (a).

b. Obtain the determinations required in paragraph D.2.c., above, from the Chairman of the Joint Chiefs of Staff.

c. Implement the determinations made under subsection D.2., above.

d. Mark each product "Limited Distribution," which is withholdable under subsection D.2., above.

4. The Heads of the other DoD Components shall:

a. Establish policies or procedures to implement a program for the release or withholding of DMA MC&G data in their DoD Components.

b. Refer all "Freedom of Information Act," Pub. L. No. 89-554 (1966) (reference (o)), requests for unclassified DoD MC&G data marked with the legend "Limited Distribution," "DISTRIBUTION LIMITED - DESTROY WHEN NO LONGER NEEDED," "For Official Use Only," or other similar/restrictive caveats to the Director, DMA.

F. PROCEDURES

Unclassified DoD MC&G materials marked with the legend "Limited Distribution," "DISTRIBUTION LIMITED - DESTROY WHEN NO LONGER NEEDED," "For Official Use Only," or any other similarly restrictive caveats will not be released under the Freedom of

Information Act (reference (o)) but shall be forwarded to the Director, DMA, for decision as to releasability.

G. EFFECTIVE DATE

This Instruction is effective immediately.



Duane P. Andrews
Assistant Secretary of Defense
(Command, Control, Communications,
and Intelligence)

Enclosures - 2

1. References
2. Definitions

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REFERENCES, continued

- (e) Deputy Secretary of Defense Memorandum, "Delegations of Authority and Assignment of Responsibilities Under the Intelligence Authorization Act, Fiscal Year 1991," September 6, 1991
- (f) DoD Directive 5230.25, "Withholding of Unclassified Technical Data from Public Disclosure," November 6, 1984
- (g) Federal Acquisition Regulation, current edition
- (h) Defense FAR Supplement (DFARS), current edition
- (i) DoD 5220.22-R, "Industrial Security Regulation," December 1985, authorized by DoD Directive 5220.22, December 8, 1980
- (j) DoD Instruction O-5230.22, "Security Controls on the Dissemination of Intelligence Information," August 12, 1988
- (k) "NDP-1, National Policy and Procedures for the Disclosure of Classified Military Information to Foreign Governments and International Organizations," October 1, 1988¹
- (l) DoD 5220.22-M, "Industrial Security Manual for Safeguarding Classified Information," January 1991, authorized by DoD Directive 5220.22, December 8, 1980
- (m) DoD 5200.1-R, "Information Security Program Regulation," June 1986, authorized by DoD Directive 5200.1, June 7, 1982
- (n) DoD 7220.9-M, "Department of Defense Accounting Manual," October 1983, authorized by DoD Instruction 7220.9, October 22, 1981
- (o) Public Law 89-554, "Freedom of Information Act," September 6, 1966, as amended (5 U.S.C. 552)

¹Available from the Office of the Director for International Security Programs, Office of the Deputy Under Secretary for Security Policy.

DEFINITIONS

1. Defense Mapping Agency (DMA) Mapping, Charting and Geodesy (MC&G) Data. Includes the total inventory of DMA MC&G materials, whether produced by the DMA or obtained under contract, international agreement, or other bilateral or multilateral arrangement, but does not include architectural and engineering site plans. It is synonymous with the terms "maps," "charts," "geodetic data," and "geodetic products" used in 10 U.S.C. 2794 and 2796 (reference (a)).
2. Limited Distribution. Distribution limited to the Department of Defense, U.S. DoD contractors, and to U.S. Government Agencies supporting DoD functions, and is made under the authority of the Director, DMA.
3. Mapping, Charting, and Geodesy (MC&G). Comprises the collection, transformation, generation, dissemination, and storing of geodetic, geomagnetic, gravimetric, aeronautical, topographic, hydrographic, cultural, and toponymic data. That data may be used for military planning, training, and operations including aeronautical, nautical, and land navigation, as well as for weapon orientation and target positioning. MC&G also includes the evaluation of topographic, hydrographic, or aeronautical features for their effect on military operations or intelligence. That data may be presented in the form of topographic, planimetric, relief, or thematic maps and graphics; nautical and aeronautical charts and publications; and in simulated, photographic, digital, or computerized raster and vector products.